

REMARKS

This response is made to in furtherance of the Office Action dated March 19, 2008. Claims 1-10, 20 and 21 are currently pending in the present application, with claims 1, 4, 6, 9, 20 and 21 being independent claims.

In the Office Action, claims 1, 3, 4, 6-10, 20 and 21 were rejected as obvious under 35 U.S.C. § 103 over U.S. Patent No. 6,215,877 ("Matsumoto") in view of U.S. Patent Application Publication No. 2001/0004736 ("Hirano"). OA, pp. 3. Claim 2 was rejected as obvious under 35 U.S.C. § 103 over Matsumoto and Hirano in view of U.S. Patent No. 5,933,605 ("Kawano"). OA, pp. 7.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the prior art references must teach or suggest all the claim limitations. See MPEP 2143 et seq. Furthermore, the examiner bears the initial burden of establishing a *prima facie* case of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed. Cir. 1992). It is well settled that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

Claim 1

A. Hirano does not disclose "a user terminal for accessing said key management server to obtain attribute secret keys generated based on said secret keys, said attribute secret keys

corresponding to attributes identifying said user terminal"

Claim 1 recites, part in, "a user terminal for accessing said key management server to obtain attribute secret keys generated based on said secret keys, said attribute secret keys corresponding to attributes identifying said user terminal."

In rejecting claim 1, the Examiner acknowledges Matsumoto fails to disclose this claim element, but alleges such teaching can be found in Hirano. OA, pp. 3-4. Specifically, the Examiner points to paragraph 0098 of Hirano.

The Hirano citation states,

In step S36, the content user decrypts the authorization information 63 to pick out a content key 64 and image-compositing information 65. The authorization information 63 is encrypted with the secret key 47 based on the user information 14. On this account, the content user 3 creates a decryption key 66 corresponding to the secret key 47 based on such user information 14 as: user identification information such as user ID or password; identification information for devices loaded on the user-operated computer; identification information for the on-board CPU in the user-operated computer; identification information specific to a recording medium storing the digital content; or user login information registered in the user-operated computer. Then decrypting the authorization information 63 utilizing the decryption key 66 enables the content key 64 and the image-compositing information 65 to be picked out. Hirano, paragraph 0098.

Contrary to the Examiner's interpretation of Hirano, the cited paragraph does not disclose a user terminal for accessing a key management server to obtain attribute secret keys generated based on secret keys, with attribute secret keys corresponding to attributes identifying said user terminal. According to Hirano, the content user obtains a decryption key corresponding to the secret key (e.g., a public key), not a

secret key. See, for example, Hirano, paragraph 0127. Thus, Hirano fails to disclose the limitations argued in the Office Action.

B. It would not be obvious to combine the teachings of Hirano and Matsumoto

The Examiner contends, "At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Hirano's method for facilitating legitimate use of digital content with Matsumoto's key management server and chat system because it offers the advantage of protecting computerized data from unauthorized access (Hirano, Paragraph 0006)." OA, pp. 4.

The Applicants respectfully submit that Matsumoto discloses a chat system capable of keeping a communication secret even in the case where the chat server is low in reliability. Matsumoto, col. 2, ll. 53-59. Thus, the purported advantage alleged by the Examiner in combining the teachings of Matsumoto and Hirano is achieved with Matsumoto alone. One skilled in the art would not combine the teachings of Hirano with Matsumoto for "protecting computerized data from unauthorized access."

For at least these reasons, the Applicants respectfully assert claim 1 is not obvious over the cited references. Therefore, allowable of claim 1 is earnestly requested.

Claim 2

Claim 2 recites, "The information distribution system according to claim 1, wherein said provider terminal distributes said encrypted content without specifying an address of said user terminal that is to receive said encrypted content."

In rejecting claim 2, the Examiner acknowledges Matsumoto fails to disclose the subject matter of claim 2 and does not put forward arguments regarding Hirano's disclosure. However, the Examiner alleges such teaching can be found in Kawano (U.S. Patent No. 5,933,605). OA, pp. 7. Specifically, the Examiner points to column 11, lines 40-57 of Kawano.

The Kawano passage cited by the Examiner states,

In the communication system using the contents code, the transmitting computer attaches to the transmission data the contents code corresponding to the contents of transmission data and then transmits the resultant data without recognizing the address of the party. A receiving computer sets data to be received on the basis of the contents code of the transmission data. Thus, the receiving computer can execute its operation without recognizing the position of itself and number of the computers as an transmission originator of the transmission data while taking only the data contents into consideration. Since each computer receives data while not specifying the data transmission originator, it is only required to broadcast the transmission data within the system and for the receiving computer to receive the data alone attached to the coincidence contents code. As a result, the data receiving operation can be carried out independently of the expansion of the system such as addition or deletion of a transmitting computer. Kawano, col. 11, ll. 40-57.

According to Kawano, a transmitting computer attaches to the transmission data the contents code corresponding to the contents of transmission data and then transmits the resultant data without recognizing the address of the party. The citation makes no mention of a provider terminal distributing encrypted content without specifying an address of a user terminal that is to receive the encrypted content. Thus, the cited passage fails to disclose the limitations recited in claim 2.

The Examiner further alleges, "Kawano demonstrates the transmission of data without the need for recognizing a specific address of a destination. It would be obvious to say that a terminal will exist at the destination for the transmission of data." OA, pp. 2-3. The point of this argument is not clear to the Applicants. Furthermore, the Examiner provides no evidence in support of the statements given.

By contrast, the Applicants submit Kawano expressly discloses, "The transmission processor, when asked to transmit the data, prepares, for transmission destinations indicated by the transmission destination information, a frame made up of data 104 attached with a transmission destination computer group name or group address 1 as a header for uniquely specifying a transmission line address indicative of transmission destination information and the address of the receiver, a contents code 2, and a transmission originator address 3, as shown in FIG. 2; and then specifies the broadcasting within the transmission line in question to transmit the data to the appropriate internetwork connector." Kawano, col. 7, ll. 7-17 (emphasis added). Thus, Kawano affirmatively teaches specifying a transmission line address indicative of transmission destination information and the address of the receiver. See also Kawano, Fig. 2, item 1.

For at least these reasons, and the reasons set forth for claim 1, the Applicants respectfully assert that claim 2 is allowable and earnestly request indication of such allowance.

Claim 3

Claim 3 is dependent on and further limits claim 1. Since claim 1 is believed allowable, claim 3 is also believed allowable for at least the same reasons as claim 1.

Claims 4, 6, 9, 20 and 21

Claims 4, 6, 9, 20 and 21 were rejected for similar reasoning as claim 1. Thus, claims 4, 6, 9, 20 and 21 are believed allowable for at least the same reasons as claim 1.

Claim 5

Claim 5 is dependent on and further limits claim 4. Since claim 4 is believed allowable, claim 5 is also believed allowable for at least the same reasons as claim 4.

Claims 7 and 8

Claims 7 and 8 are dependent on and further limit claim 6. Since claim 6 is believed allowable, claims 7 and 8 are also believed allowable for at least the same reasons as claim 6.

Claim 10

Claim 10 is dependent on and further limits claim 9. Since claim 9 is believed allowable, claim 10 is also believed allowable for at least the same reasons as claim 9.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any additional extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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